

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GREEN TREE SERVICING, LLC,

Case No. 2:15-cv-00537-JAD-PAL

Plaintiff,

ORDER

v.

LAS VEGAS RENTAL & REPAIR, LLC, et  
al.,

Defendants.

Before the court is the parties' Stipulation and Order to Modify the Scheduling Order (Dkt. #25). The parties request a 90-day extension of the discovery plan and scheduling order deadlines for Green Tree to depose persons most knowledgeable for Plaintiff, HOA and Red Rock, meet and confer on a subpoena response, and for Green Tree to further amend its complaint to allege violations of HERA after Chief Judge Navarro's decision in *Skylights LLC v. Byron*, 2:15-cv-00043-GMN-VCF entered June 24, 2015. Additionally, the HOA intends to serve written discovery to Green Tree, depose any experts disclosed by the parties, and depose Green Tree's Rule 30(b)(6) representative and conduct the deposition of BAC Home Loan Servicing, LLP Rule 30(b)(6) designee. The parties acknowledge that the deadline for designating experts expired well before the stipulation was filed and assert there is excusable neglect for the failure to timely seek an extension because they agree among themselves there is no prejudice to any party. They are only seeking a 90-day extension because of the "volume of cases and current demands in this area of the law," and the request is made in good faith and without dilatory purpose.

The Nevada Supreme Court decided *SFR Investments* September 18, 2014. Chief Judge Navarro's June 24, 2015 order in *Skylights* applied federal law to determine whether the Nevada

1 super-priority lien statute could extinguish the lien of Fannie Mae or the Federal Housing  
2 Finance Administration. She found that 12 U.S.C. § 4617(j)(3) preempts N.R.S. § 116.3116 to  
3 the extent that a homeowner association's foreclosure of its super-priority lien cannot extinguish  
4 a property interest of Fannie Mae or Freddie Mac while those entities are under FHFA's  
5 conservatorship without FHFA's consent. Therefore, the HOA's foreclosure sale of its super-  
6 priority interest in the property did not extinguish Fannie Mae's interest in the property secured  
7 by the Deed of Trust or convey the property free to the purchaser.

8 The parties have had ample time to conduct discovery, and the HOA has not even  
9 initiated any discovery to date. Under these circumstances, the court is not satisfied that the  
10 parties have established good cause for a 90-day extension or that they have been sufficiently  
11 diligent in attempting to comply with the court's discovery plan. The court will grant a 30 day  
12 extension of the deadlines and no further extensions will be allowed.

13 **IT IS ORDERED** that the Stipulation and Order to Modify the Scheduling Order (Dkt.  
14 #25) is **DENIED**, and the deadlines established by the court's discovery plan and scheduling  
15 order are extended as follows:

- 16 1. Last date to complete discovery: **November 5, 2015.**
- 17 2. Last date to amend pleadings and add parties: **Expired**
- 18 3. Last date to file interim status report: **September 8, 2015.**
- 19 4. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): **October 6,**  
20 **2015.**
- 21 5. Last date to disclose rebuttal experts: **October 6, 2015.**
- 22 6. Last date to file dispositive motions: **December 7, 2015.**
- 23 7. Last date to file joint pretrial order: **January 4, 2016.** In the event dispositive  
24 motions are filed, the date for filing the joint pretrial order shall be suspended until 30  
25 days after a decision of the dispositive motions.

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